



**APPLICATION FOR REZONING PETITION - CITY OF TERRE HAUTE**

**SPECIAL ORDINANCE NO. 22**

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COMMON ADDRESS OF LOTS TO BE REZONED:

4361 E. Wabash Avenue, Terre Haute, IN 47803

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Current Zoning: R1, Single Family Residential Development

Requested Zoning: C1, Neighborhood Commerce District

Proposed Use: Dental Office

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Name of Owner: Cathy J. Long

Address of Owner: 1823 S. 32<sup>nd</sup> Street, Terre Haute, IN 47803

Phone Number of Owner: 812-201-5626

Attorney Representing Owner (if any): N/A

Address of Attorney: N/A

Phone Number of Attorney: N/A

For Information Contact: Dr. Luke Staley – 812-249-5704

Council Sponsor: O. Earl Elliott

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**\*COPY OF SITE PLAN MUST ACCOMPANY THIS APPLICATION**

FILED

MAY 03 2017

**SPECIAL ORDINANCE FOR A REZONING**

**SPECIAL ORDINANCE NO. 22, 2017**

CITY CLERK

An Ordinance Amending Chapter 10, Article 2 of the Municipal Code designated as "Comprehensive Zoning Ordinance for Terre Haute, Indiana."

SECTION 1. BE IT ORDAINED BY THE COMMON COUNCIL of the City of Terre Haute, Vigo County, State of Indiana, that Chapter 10, Article 2 of the City Code of Terre Haute, designated as the " Comprehensive Zoning Ordinance for Terre Haute" and Division 4, Section 10.121 thereof, District Maps, be, and the same is hereby amended to include as follows:

"That the following described real estate situated in the City of Terre Haute, County of Vigo, State of Indiana, to-wit:

A parcel of land located in the North West quarter of the Section 19, Township 12 North, Range 8 West, lying South of U.S. Highway 40, and more fully described as follows: Beginning at a point 125 feet South of the South right-of-way line of U.S. 40 and 249.08 feet Easterly of the West line of the Section 19, Township 12 North, Range 8 West; thence Easterly along a line 125 feet south of and parallel to the south line of U.S. 40, a distance of 40 feet; thence south along a line having an angle west to south of 84 degrees 02 minutes a distance of 100 feet; thence westerly along a line 225 feet south of and parallel to the south line of U.S. 40, a distance of 40 feet; thence north 100 feet to the place of beginning.

Together with a right of way and easement for passage and re-passage over that strip of ground lying between United States Highway No. 40 and the above described real estate, which strip of ground is 40 feet east and west and 125 feet north and south and adjoins the above conveyed real estate on the North.

Also

A parcel of land Located in the North West quarter of the Section 19, Township 12 North, Range 8 West, lying South of U.S. Highway 40 and more fully described as follows: Beginning at a point 125 feet South of the South right-of-way line of U.S. 40 and 229.08 feet Easterly of the West line of the Section 19, Township 12 North, Range 8 West; thence Easterly along a line 125 feet south of and parallel to the south line of U.S. 40 a distance of 20 feet; thence south along a line having an angle west to south of 84 degrees 02 minutes, a distance of 100 feet, thence Westerly along a line 225 feet South of and parallel to the South line of U.S. 40 a distance of 20 feet, thence North 100 feet to the place of beginning.

Together with a right of way and easement for passage and repassage over that strip of ground lying between U.S. Highway 40 and the above described real estate, which strip of ground is 170 feet East and West and 125 feet North and South and adjoins the above conveyed real estate on the North.

Also

A parcel of land Located in the North West quarter of the Section 19, Township 12 North, Range 8 West, lying South of United States Highway No. 40, and bounded and described as follows, to-wit:

Beginning at a point in the south right-of-way line of United States Highway No. 40, 289.08 feet easterly from the point where said south right-of-way line intersects the west line of said Section 19, Township 12 North, Range 8 West; running thence westerly along the said south right-of-way line for a distance of 60 feet; running thence south along a line having an angle west to south of 84 degrees to 2 minutes for a distance of 125 feet; running thence in an easterly direction on a line parallel with the south boundary line of 60 feet; running thence north to the place of beginning;

Subject to an easement over said parcel of land in favor of the public in general for passage and repassage thereover for ingress and egress from United States Highway No. 40 to lands immediately adjoining said parcel of land on the south and west thereof.

Also

A parcel of land located in the Northwest Quarter of the Section 19, Township 12 North, Range 8 West, in Vigo County, Indiana, and lies south of U.S. Highway No. 40 and east of the Beecher Road, also known as Kean Lane, and being more particularly described as follows: Beginning at a point 187 feet eastwardly of the east line of the Beecher Road and 400 feet south of the south right of way line of U.S. Highway No. 40, thence North a distance of 400 feet to the south right of way line of U. S. Highway No. 40, which point is 187 feet eastwardly along the south right of way line of said U.S. Highway No. 40 a distance of 17.5 feet, thence south along a line parallel to the Beecher Road a distance of 400 feet, thence westwardly along a line parallel to U.S. Highway No. 40 a distance 17.5 feet to the place of beginning

Subject to any right of ways or easements now of record on a strip of ground 125 feet north and south, which strip of ground lies immediately south of U.S. Highway No. 40 and immediately east of Beecher Road.

Also

A parcel of land located in the Northwest Quarter of the Section 19, Township 12 North, Range 8 West, lying south of United States Highway No. 40, and bounded and described as follows, to-wit:

Beginning at a point 225 feet south of the south right-of-way line of United States Highway No. 40 and located on a line running in an easterly direction, parallel with said south right-of-way line at a distance of 289.08 feet easterly from where such line intersects the west line of said Section 19, Township 12 North, Range 8 West; running thence in a westerly direction along a line 225 feet south of and parallel to the south right-of-way line of said United States Highway No. 40 for a distance of 60 feet; running thence south along a line having an angle, west to south of 84 degrees and 2 minutes for a distance of 175 feet; running thence easterly along a line parallel to the south

right-of-way line United States Highway No. 40 for a distance of 60 feet; running thence north for a distance of 175 feet to the place of beginning.

Also

Beginning at a point in the South right -of-way line of United States Highway No. 40, 294.08 feet easterly from the point where the said south right-of-way line intersects the west line of said Section 19, Township 12 North, Range 8 West; running thence Westerly along said south right-of-way line for a distance of five (5) feet; running thence south along a line having an angle of west to south of 84 degrees and 2 minutes for a distance of 400 feet, running thence in an easterly direction on a line parallel with the south boundary line of said United States No. 40 for a distance of 5 feet, running thence North to the place of beginning.

Commonly known as: 4361 E. Wabash Avenue, Terre Haute, Indiana 47803

Be and the same is hereby established as a C-1 Neighborhood Commerce District, together with all rights and privileges that may insure to said real estate and the owners thereof by virtue of the law in such cases provided, subject to all limitations and restrictions imposed thereon by deed or otherwise."

SECTION II, WHEREAS, an emergency exists for the immediate taking effect of this Ordinance, the same shall bit in full force and effect from and after its passage by the Common Council of Terre Haute, and its approval by the Mayor and publication as required by law.

Presented by O. Earl Elliott Council Member, O. Earl Elliott

Passed in Open Council this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Karrum Nasser-President

ATTEST: \_\_\_\_\_

Charles P. Hanley, City Clerk

Presented by me to the Mayor of the City of Terre Haute this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_.

\_\_\_\_\_  
Charles P. Hanley, City Clerk

Approved by me, the Mayor, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.


\_\_\_\_\_  
Duke Bennett, Mayor

ATTEST: \_\_\_\_\_

Charles P. Hanley, City Clerk

This instrument prepared by: Cathy J. Long, 4361 E. Wabash Avenue, Terre Haute, Indiana 47803

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law.

\_\_\_\_\_

Dr. Luke William Staley

PETITION TO REZONE REAL PROPERTY

TO: THE PRESIDENT AND MEMBERS OF THE COMMON COUNCIL OF THE CITY OF TERRE HAUTE,  
INDIANA:

And THE PRESIDENT AND MEMBERS OF THE AREA PLAN COMMISSION FOR VIGO COUNTY, INDIANA:

LADIES AND GENTLEMAN:

The undersigned, Cathy J. Long, respectfully submits this petition to rezone the following described real estate in the City of Terre Haute, County of Vigo, Indiana, to wit:

A parcel of land located in the North West quarter of the Section 19, Township 12 North, Range 8 West, lying South of U.S. Highway 40, and more fully described as follows: Beginning at a point 125 feet South of the South right-of-way line of U.S. 40 and 249.08 feet Easterly of the West line of the Section 19, Township 12 North, Range 8 West; thence Easterly along a line 125 feet south of and parallel to the south line of U.S. 40, a distance of 40 feet; thence south along a line having an angle west to south of 84 degrees 02 minutes a distance of 100 feet; thence westerly along a line 225 feet south of and parallel to the south line of U.S. 40, a distance of 40 feet; thence north 100 feet to the place of beginning.

Together with a right of way and easement for passage and re-passage over that strip of ground lying between United States Highway No. 40 and the above described real estate, which strip of ground is 40 feet east and west and 125 feet north and south and adjoins the above conveyed real estate on the North.

Also

A parcel of land Located in the North West quarter of the Section 19, Township 12 North, Range 8 West, lying South of U.S. Highway 40 and more fully described as follows: Beginning at a point 125 feet South of the South right-of-way line of U.S. 40 and 229.08 feet Easterly of the West line of the Section 19, Township 12 North, Range 8 West; thence Easterly along a line 125 feet south of and parallel to the south line of U.S. 40 a distance of 20 feet; thence south along a line having an angle west to south of 84 degrees 02 minutes, a distance of 100 feet, thence Westerly along a line 225 feet South of and parallel to the South line of U.S. 40 a distance of 20 feet, thence North 100 feet to the place of beginning.

Together with a right of way and easement for passage and repassage over that strip of ground lying between U.S. Highway 40 and the above described real estate, which strip of ground is 170 feet East and West and 125 feet North and South and adjoins the above conveyed real estate on the North.

Also

A parcel of land Located in the North West quarter of the Section 19, Township 12 North, Range 8 West, lying South of United States Highway No. 40, and bounded and described as follows, to-wit:

Beginning at a point in the south right-of-way line of United States Highway No. 40, 289.08 feet easterly from the point where said south right-of-way line intersects the west line of said Section 19, Township 12 North, Range 8 West; running thence westerly along the said south right-of-way line for a distance of 60 feet; running thence south along a line having an angle west to south of 84 degrees to 2 minutes for a distance of 125 feet; running thence in an easterly direction on a line parallel with the south boundary line of 60 feet; running thence north to the place of beginning;

Subject to an easement over said parcel of land in favor of the public in general for passage and repassage thereover for ingress and egress from United States Highway No. 40 to lands immediately adjoining said parcel of land on the south and west thereof.

Also

A parcel of land located in the Northwest Quarter of the Section 19, Township 12 North, Range 8 West, in Vigo County, Indiana, and lies south of U.S. Highway No. 40 and east of the Beecher Road, also known as Kean Lane, and being more particularly described as follows: Beginning at a point 187 feet eastwardly of the east line of the Beecher Road and 400 feet south of the south right of way line of U.S. Highway No. 40, thence North a distance of 400 feet to the south right of way line of U. S. Highway No. 40, which point is 187 feet eastwardly along the south right of way line of said U.S. Highway No. 40 a distance of 17.5 feet, thence south along a line parallel to the Beecher Road a distance of 400 feet, thence westwardly along a line parallel to U.S. Highway No. 40 a distance 17.5 feet to the place of beginning

Subject to any right of ways or easements now of record on a strip of ground 125 feet north and south, which strip of ground lies immediately south of U.S. Highway No. 40 and immediately east of Beecher Road.

Also

A parcel of land located in the Northwest Quarter of the Section 19, Township 12 North, Range 8 West, lying south of United States Highway No. 40, and bounded and described as follows, to-wit:

Beginning at a point 225 feet south of the south right-of-way line of United States Highway No. 40 and located on a line running in an easterly direction, parallel with said south right-of-way line at a distance of 289.08 feet easterly from where such line intersects the west line of said Section 19, Township 12 North, Range 8 West; running thence in a westerly direction along a line 225 feet south of and parallel to the south right-of-way line of said United States Highway No. 40 for a distance of 60 feet; running thence south along a line having an angle, west to south of 84 degrees and 2 minutes for a distance of 175 feet; running thence easterly along a line parallel to the south right-of-way line United States Highway No. 40 for a distance of 60 feet; running thence north for a distance of 175 feet to the place of beginning.

Also

Beginning at a point in the South right -of-way line of United States Highway No. 40, 294.08 feet easterly from the point where the said south right-of-way line intersects the west line of said Section 19, Township 12 North, Range 8 West; running thence Westerly along said south right-of-way line for a distance of five (5) feet; running thence south along a line having an angle of west to south of 84 degrees and 2 minutes for a distance of 400 feet, running thence in an easterly direction on a line parallel with the south boundary line of said United States No. 40 for a distance of 5 feet, running thence North to the place of beginning.

Subject to easements, covenants, restrictions, leases and other matters of record affecting title to the subject real estate.

Commonly known as: 4361 E Wabash Ave, Terre Haute, Indiana 47803.

Your petitioner is informed and believes that in accordance with Chapter 10, Article 2 of the Municipal Code designated as "Comprehensive Zoning Ordinance for Terre Haute, Indiana," the above-described real estate is now zoned as R-1 Single Family Residential District.

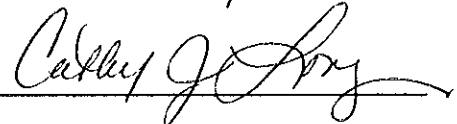
Your petitioner would respectfully state that the real estate is now business/beauty salon. Your petitioner intends to use the real estate to relocate his dental practice.

Your petitioner would request that the real estate described herein shall be zoned as C-1 Neighborhood Commerce District. Your petitioner would allege that the C-1 Neighborhood Commerce District would not alter the general characteristics of this neighborhood.

Your petitioner would respectfully show the proposed change would not be detrimental to the public welfare or injurious to the property or improvements in the neighborhood.

WHEREFORE your petitioner respectfully requests that the Area Plan Commission for Vigo County and the Common Council of the City of Terre Haute, Indiana, favorably consider the passage of a Special Ordinance amending the Comprehensive Zoning Ordinance of the City of Terre Haute, Indiana, being Chapter 10, Article 2 of the Municipal Code designated as " Comprehensive Zoning Ordinance for the Terre Haute, Indiana, " and declaring the above-described real estate to be part of the C-1 Neighborhood Commerce District of the City of Terre Haute, Indiana, and entitled to the rights and benefits that may accrue to the real estate and the owners thereof by virtue of the new designation subject to all limitations imposed by deed or otherwise.

IN WITNESS WHEREOF, This petition has been duly executed this 28<sup>th</sup> day of April, 2017.

BY:   
Cathy J. Long

PETITIONER: Cathy J. Long, 4361 E. Wabash Avenue, Terre Haute, Indiana 47803

This instrument was prepared by Cathy J. Long, 4361 E. Wabash Avenue. Terre Haute, Indiana 47803 (812) 201-5626.



**AFFIDAVIT OF:**

COMES NOW affiant Cathy J. Long

and affirms under penalty of law that affiant is the owner of record of the property located  
at 4361 E. Wabash Avenue, Terre Haute, IN 47803  
for which a rezoning is requested and hereto a copy of the deed is attached evidencing such  
ownership.

I affirm under penalty for perjury, that the foregoing representations are true.

Cathy J. Long - d.b.a. Taylex Enterprises, Inc.  
[Typed name of owner(s) on deed]

SIGNATURE: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_

STATE OF INDIANA)  
SS: (COUNTY OF VIGO)

Personally appeared before me, a Notary Public in and for

said County and State, Vigo Co. Indiana

who acknowledges the execution of the above and foregoing, after being duly sworn upon his  
oath and after having read this Affidavit.

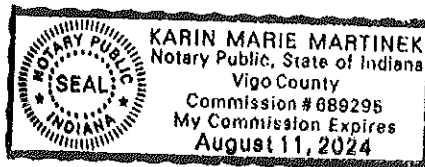
WITNESS my hand and notarial seal, this 28 day of April, 2017.

Notary Public: Karin Marie Martinek

[Typed name]

My Commission Expires:

My County Of Residence:



## WARRANTY DEED

This Indenture Witnesseth, That Lucille Taylor, of Vigo County, in the State of Indiana, CONVEYS and WARRANTS to Taylex Enterprises, Inc., of Vigo County, in the State of Indiana, for the sum of One and 00/100 Dollars (\$1.00) and other good and valuable consideration, the receipt whereof is hereby acknowledged, the following described REAL ESTATE in Vigo County, in the State of Indiana, to-wit:

A parcel of land located in the North West quarter of Section 19, Township 12 North, Range 8 West, lying South of U.S. Highway 40, and more fully described as follows: Beginning at a point 125 feet South of the South right-of-way line of U.S. 40 and 249.08 feet Easterly of the West line of Section 19, Township 12 North, Range 8 West; thence Easterly along a line 125 feet south of and parallel to the south line of U.S. 40, a distance of 40 feet; thence south along a line having an angle west to south of 84 degrees 02 minutes a distance of 100 feet; thence westerly along a line 225 feet South of and parallel to the south line of U.S. 40, a distance of 40 feet; thence north 100 feet to the place of beginning.

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Subject to an easement over said parcel of land in favor of the public in general for passage and repassage thereover for ingress and egress from United States Highway No. 40 to lands immediately adjoining said parcel of land on the south and west thereof.

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Subject to any right of ways or easements now of record on a strip of ground 125 feet north and south, which strip of ground lies immediately south of U.S. Highway No. 40 and immediately east of Beecher Road.

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Subject to easements, covenants, restrictions, leases and other matters of record affecting title to the subject real estate.

Subject to 1993 taxes, payable in 1994, prorated from the date hereof.

IN WITNESS WHEREOF, the said Lucille Taylor, has hereunto set her hand and seal, this 7th day of October, 1993.

Lucille Taylor (Seal)  
Lucille Taylor

=====

STATE OF INDIANA )  
 ) SS:  
COUNTY OF VIGO )

Before me, the undersigned, a Notary Public in and for said County and State, this 7th day of October, 1993, personally appeared Lucille Taylor, and acknowledged this conveyance to be her voluntary act and deed.

In Witness Whereof, I have hereunto subscribed my name and affixed my official seal.

Mary Alice McCrisaken  
Notary Public

Mary Alice McCrisaken  
(printed name)

My commission expires:

June 7, 1995

My county of residence:

Vigo

Tax Duplicate sent to Grantees  
Address 4361 East Wabash Avenue, Terre Haute, IN 47803

This instrument prepared by Robert D. Hepburn  
Robert D. Hepburn, Attorney  
COX, ZWERNER, GAMBILL & SULLIVAN, P.O. Box 1625, Terre Haute, IN 47808.

DULY ENTERED  
FOR TAXATION

OCT 14 1993

Judith A. Anderson  
AUDITOR VIGO COUNTY

RECEIVED FOR RECORD THE 14 DAY OF Oct 19 93 AT 11:00 O'CLOCK am  
RECORD 438 PAGE 1497 NANCY BARNHART RECORDER



84-07-19-102-03 1.000-009

84-07-19-102-003.000-009

84-07-19-102-001.000-009

84-07-19-102-03 4.000-009

84-07-19-102-017.000-009



Receipt

The following was paid to the City of Terre Haute, Controller's Office:

Date: 5/3/17

Name: Cathy Long

Reason: Rezoning - Notice of Filing \$25.00

Rezoning - Petition \$20.00

\$45.00

Cash: \_\_\_\_\_

Check: # 9237 45.00

Credit: \_\_\_\_\_

Total: \$45.00

Received By: L Ellis / gm

TERRE HAUTE, IN  
PAID  
MAY 11 2017  
CONTROLLER